

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 12**  
**JUNE 22, 2017**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Rath, who led a short prayer.

The Pledge of Allegiance was led by Mr. Morton.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 11 from 2017. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS presented a resolution Honoring Dr. Ivery Daniels on Serving 50 Years as Pastor of White Rock Missionary Baptist Church.

Item 6 – MS. MILLER-WILLIAMS presented a resolution Celebrating Brunette Isabelle Evans-Washington on the Occasion of her 103rd Birthday.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Honoring Will Fowler on the Occasion of his Retirement from the Erie County Pistol Permit Office and Recognizing his 30 Years of Service in Erie County Government.

Item 8 – MR. MILLS, MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MORTON & MR. RATH presented a resolution Congratulating Jack Quinn on his Retirement as Erie Community College President.

Item 9 – MR. MILLS presented a resolution Congratulating Bert David Dunn Jr, Boy Scout Troop 48, on Achieving the Rank of Eagle Scout.

Item 10 – MR. MILLS presented a resolution Congratulating Timothy Jacob Winterhalter, Boy Scout Troop 48, on Achieving the Rank of Eagle Scout.

Item 11 – MR. RATH presented a resolution Congratulate Shirley Kelly for her 25 Years of Service at William Mattar Law Offices.

MR. LORIGO moved for consideration of the above seven items. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above seven items to include one miscellaneous resolution from MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above eight items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 12 – CHAIR MILLS directed that Local Law No. 10 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2016 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 18 (Print #1) 2016 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 19 (Print #1) 2016 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 9 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 24 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

June 15, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 10D-6 (2017)

**OFFICE OF THE SHERIFF, DIVISION OF CORRECTIONAL HEALTH:** “Letter Regarding Intro. 7-8 (2017) Proposed Appropriations”  
(6-0)

2. COMM. 11E-9 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services (DSS) is in the process of utilizing mobile tablets for its Child Protective Services (CPS) workforce; and

WHEREAS, Request-for-Proposal (RFP) was issued to develop a custom solution that integrates mobile and desktop components which will allow CPS staff to develop, create, access and update case files; and

WHEREAS, the application will include the ability to scan and photograph, provide short-term storage and retrieval of all necessary documents used in CPS intake and ongoing operations; and

WHEREAS, Diona (US) Inc. has been selected by a Social Services/Information and support Services selection committee to provide the service; and

WHEREAS, Similar initiatives in other counties have reduced caseloads and improved outcomes for children.

NOW, THEREFORE, BE IT.

RESOLVED, that the County Executive is authorized to issue a contract to Diona (US) Inc. to develop custom mobile and desktop software for CPS; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to Diona (US) Inc. from SAP Project A.17029, for an amount not to exceed \$548,500; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Social Services.

(6-0)

LYNNE M. DIXON  
CHAIR

Item 25 – MS. DIXON presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

June 15, 2017	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19M-6 (2016)  
**MWBE UTILIZATION ADVISORY BOARD:** “May 23, 2016 Meeting Minutes”  
(6-0)
  - b. COMM. 23M-5 (2016)  
**MWBE UTILIZATION ADVISORY BOARD:** “Sept. 26, 2016 Meeting Minutes”  
(6-0)
  - c. COMM. 3M-10 (2017)  
**MWBE UTILIZATION ADVISORY BOARD:** “Dec. 28, 2016 Meeting Minutes”  
(6-0)
  - d. COMM. 7M-7 (2017)  
**MWBE UTILIZATION ADVISORY BOARD:** “Jan. 30, 2017 Meeting Minutes”  
(6-0)
  - e. COMM. 11M-3 (2017)  
**MWBE UTILIZATION ADVISORY BOARD:** “Mar. 27, 2017 Meeting Minutes”  
(6-0)

LYNNE M. DIXON  
CHAIR

Item 26 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

June 15, 2017	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 3E-9 (2017)  
**MILLS:** "Letter to County Executive Regarding Condition of Springville-Boston Road, Towns of Boston & Concord"  
(6-0)

2. COMM. 10E-24 (2017)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, Glenwood - East Concord Road from Holland Glenwood Road to Foote Road; Boston State Road from Boston Cross to Abbott Hill Road; Springville Boston Road from Abbott Hill Road to Route 39 are all in poor condition; and

WHEREAS, the Department of Public Works has opened bids for the 2017 Capital Overlay Contract B Project; and

WHEREAS, the lowest responsible bidder was Destro and Brothers Concrete Co., Inc. at \$3,367,772.14; and

WHEREAS, the allotted contingency for the 2017 Capital Overlay Contract B project is \$336,777.21; and

WHEREAS, it is desired to award the construction contract to Destro Brothers Concrete Co., Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the 2017 Capital Overlay Contract B Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay for the Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project funds, Fund 420, BA 123, SAP B.17050 - 2017 Capital Overlay in the amount of \$3,705,549.35, be made available for the Project; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$3,705,549.35; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and Destro Brothers Concrete Co., Inc. for the 2017 Capital Overlay Contract B Project; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

3. COMM. 10E-24 (2017)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections, maintenance staff and taxpayer notifications, Erie County desires to respond to conditions which may restrict access to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual Bridge Inspection and Maintenance Program; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, and Bridge Maintenance design through an RFP process; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to respond to these cited County bridge deficiencies with appropriate action, Legislature approval is required to authorize the County Executive to award a contract to CHA Consultants, Inc.; and

WHEREAS, there is funding available in Fund Center 123, Fund 420, SAP Account B.16017, in the amount of \$250,000 for this contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with CHA Consultants, Inc. in the amount of \$250,000 from Fund 420, BA 123, SAP Account B.16017, 2016 Bridge and Culvert Design; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Division of Purchase.

(6-0)

4. COMM. 11E-6 (2017)

**COUNTY EXECUTIVE**

WHEREAS, it is desired to acquire the ROW necessary to construct a multi-use paved pedestrian/bike pathway from Roat Drive along Lakeshore Road to Shell Road, through Wendt Beach Park to the Wendt Beach Park Access Road/Lakeshore Road intersection and thence along Lakeshore Road to Sturgeon Point Road in the Town of Evans, the "Project" known as Lakeshore Shoreline Trail – Phase 3, a federal aid project identified as NYSDOT PIN 5758.02; and

WHEREAS, in order to facilitate construction it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 220.09-1-43.1	Evans
SBL 220.09-1-45	Evans
SBL 220.09-1-46	Evans

Such property to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that a sum not to exceed \$30,000 from A.16019 be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 27 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

June 15, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-8 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Erie County Sewer District No. 6 – Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project; and

WHEREAS, the completion of Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade is necessary for Erie County Sewer District No. 6 to improve the reliability of these pumping stations; and

WHEREAS, Erie County Sewer District No. 6 has adequate authorization in Bond Account C.00064 to fund this project; and

WHEREAS, a review committee was established to evaluate all responses to the County's Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends GHD Consulting Engineers, Inc. (GHD) to complete the requested consulting services; and

WHEREAS, the Division of Sewerage Management has determined that this proposed project is a Type II action in accordance with 6 NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT,

RESOLVED, that GHD be retained to perform professional services associated with the Erie County Sewer District No. 6 – Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project for the Division of Sewerage Management; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with GHD, 285 Delaware Ave, Suite 500, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$158,000, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney’s Office; and be it further

RESOLVED, that the costs associated with this project be allocated from Bond Account C.00064; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the Erie County Director of Budget and Management, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.  
(5-0) Legislator Burke not present for vote.

TED B. MORTON  
CHAIR

Item 28 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

June 15, 2017	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-12 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Probation Department is a partner in the Buffalo and Erie County Stopping Abuse in the Family Environment Program (BESAFE Program) that addresses domestic violence in our community; and

WHEREAS, the work plan for the current funding cycle requires the Probation Department to select and implement a validated risk assessment tool for lethality for use in the supervision of domestic violence offenders serving probation sentences; and

WHEREAS, after a review of three validated risk assessment tools, the Probation Department has selected the Domestic Violence Screening Instrument- Revised (DVSI-R) copyrighted and data normed for the State of Connecticut, as developed by Kirk R. Williams, Ph.D.; and

WHEREAS, use of the instrument here in Erie County will require data norming and training on the proper use of the tool; and

WHEREAS, the Probation Department has received permission from the State of Connecticut Judicial Branch to use the instrument and Kirk R. Williams, Ph.D. is the sole provider of data analysis norming and training for the instrument.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts not to exceed \$2,000 in total, with Kirk R. Williams, Ph.D., Professor at the University of California, Irvine - Department of Criminology, Law and Society; and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of Kirk R. Williams, Ph.D. to be retained to provide data analysis norming and training services associated with the implementation of the Domestic Violence Screening Instrument- Revised (DVSI-R); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to revise the Probation Department's 2016-2017 BE-SAFE grants as follows;

Probation Department BESAFE Grant  
126BESAFE1617  
10/01/2016 - 09/30/2017

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
501000 Overtime	\$2,122	(\$1,000)	\$1,122
516020 Prof. Serv. Contracts & Fees	<u>0</u>	<u>1,000</u>	<u>1,000</u>
CHANGE		-0-	

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to revise the Probation Department's 2017-2018 BE-SAFE Grant as follows;

Probation Department BESAFE Grant  
126BESAFE1718  
10/01/2017 - 09/30/2018

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
501000 Overtime	\$2,122	(\$1,000)	\$1,122
516020 Prof. Serv. Contracts & Fees	<u>0</u>	<u>1,000</u>	<u>1,000</u>
CHANGE		-0-	

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriation and revenue as required to comply with Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney, Department of Purchase and the Probation Department c/o Christina Schrader 1 Niagara Plaza, room 111.  
(6-0)

2. COMM. 11E-13 (2017)

**COUNTY EXECUTIVE & SHERIFF**

WHEREAS, on June 12, 2014, your Honorable Body awarded a construction contract to the firm of Black Creek Integrated Systems Corporation for the design, equipment and installation of security upgrades for the Erie County Holding Center - Security & Video Upgrade - Phase 1 project, including a construction contingency; and

WHEREAS, the current construction contingency of \$156,321.55 remains partially funded from SAP Project A.11007 - 2011 Video and Door Control Upgrades- ECCF & ECHC; and

WHEREAS, additional engineering, programming, and installation to integrate the new elevator modernization controls with Black Creek's existing jail management system is required to complete the concurrent Elevator Modernization project that was issued under an Emergency Declaration; and

WHEREAS, the construction contingency must be increased in order to fund additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$25,000.00 from \$79,997.32 to \$104,997.32; and be it further

RESOLVED, that the deduct change orders will result in these funds being returned to the Contingency Fund; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to Black Creek Integrated Systems Corporation to complete work associated with the concurrent Elevator

Modernization project that was issued under an Emergency Declaration; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.16032 - 2016 Improvements to Holding Center for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the Sheriff, Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

3. COMM. 11E-14 (2017)

**SHERIFF**

WHEREAS, the Erie County Sheriff's Police Benevolent Association (ECSOPBA) filed a lawsuit to designate three Deputy Sheriff - Criminal as Detective Deputies permanently; and

WHEREAS, a settlement was reached between the members of the ECSOPBA, the Erie County Sheriff's Office, the County Attorney's office which will permanently designate three Deputy Sheriffs to the rank of Detective; and

WHEREAS, the settlement stipulates each of the designees receive the appropriate appointment date for the time the Deputies when they began functioning in the role of Detective Deputy; and

WHEREAS, back pay is not required therefore additional County funds are not needed for this settlement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Personnel Department to adjust three Deputy Sheriff-Criminal Job Group 8 to Detective Deputy Job Group 9; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Attorney, the Erie County Comptroller's Office, the Personnel Department, and the Chief of Administration of the Sheriff's Office for implementation.  
(6-0)

4. COMM. 11E-16 (2017)

**SHERIFF**

WHEREAS, the State of New York Division of Criminal Justice Services has awarded \$9,000.00 to the Erie County Sheriff's Office for new Livescan equipment; and

WHEREAS, Erie County Sheriff's Office Detective Bureau lacks the latest fingerprint scanning equipment to efficiently process suspects at the bureau's downtown office; and

WHEREAS, the lack of this equipment forces Deputies to transport a subject to a substation or the holding center for Livescan fingerprints; and

WHEREAS, the awarded funds, combined with funds in the Erie County Sheriff's Office 2017 lab and tech budget account, will be utilized to purchase Livescan equipment for the Detective Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Criminal Justice Services to accept \$9,000.00; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office  
Livescan Equipment Grant

<u>REVENUE</u>	<u>Increase</u>
Account 409000 – State Aid	\$ 9,000.00
TOTAL REVENUE	<u>\$ 9,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	\$ 9,000.00
TOTAL APPROPRIATIONS	<u>\$ 9,000.00</u>

; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff for implementation.

(6-0)

EDWARD A. RATH III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 29 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Appointment to the Erie County  
Citizens' Budget Review Commission  
(INTRO. 12-1)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR RATH

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No.2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individuals are hereby appointed by this Honorable Body to serve as members of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2017:

Appointee:

Richard R. Schneider, CFBE  
76 Chapel Woods  
Williamsville, NY 14221

Membership Category:

General Business Experience

RESOLVED, that this Legislature declares that the above appointee possesses strong personal and professional credentials adding to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and, be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, the Erie County Citizens' Budget Review Commission appointees at the addresses listed above, and all other parties deemed necessary and proper.

Item 30 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Support for Western New York  
Children's Psychiatric Center  
(INTRO. 12-2)

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR LORIGO

WHEREAS, The WNY Children's Psychiatric Center, located in West Seneca, NY, , provides specialized care for children and adolescents with serious emotional and mental health disorders; and

WHEREAS, efforts have been underway for years to close the WNY Children's Psychiatric Center and move the children to the Buffalo Psychiatric Center, which provides services for adults; and

WHEREAS, State leaders, mental health professionals, families, and former patients of the WNY Children's Psychiatric Center, strongly oppose the closure of the center and plan to move children to an adult facility, raising concerns that the move will negatively impact the youths; and

WHEREAS, this honorable body has been on record as opposing the closure of the Children's Psychiatric Center and agrees that the population served by the WNY Children's Psychiatric Center would be better treated in the current facility; and

WHEREAS, Erie County stands with the New York State Senate and Assembly in supporting legislation that would keep the WNY Children's Psychiatric Center open and eliminate the potential dangers that would be created by moving the children to the Buffalo Psychiatric Center; and

WHEREAS, The WNY Children's Psychiatric Center received a 99.9% rating by the Joint Commission on Accredited health Care Organizations in 2012, and was given a special designation as being in the top 10 percent of hospitals accredited by the Joint Commission in the nation; and

WHEREAS, the WNY Children's Psychiatric Center should remain a standalone facility in West Seneca to allow the staff to continue to do the good work it has been for years, making it one of the most respected facilities of its kind in the country.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body strongly urges Governor Cuomo to sign Senate Bill S4630, which was passed unanimously by the Senate, along with its companion bill A6505 in the Assembly which would prevent the merging of the WNY Children's Psychiatric Center with the Buffalo Psychiatric Center, by amending NYS Mental Health law; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, the office of Hon. Andrew M. Cuomo, and any party deemed necessary and proper.

Item 31 – CHAIR MILLS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 12-3 from LEGISLATOR GRANT. Opposition to Massive Federal Tax Cuts for Health Insurance Executives.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 32 – MR. LORIGO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 11E-5. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Proposed Erie Community College  
2017-2018 Budget  
(COMM. 11E-5, 2017)

RESOLVED, that the Erie County Legislature does hereby approve the 2017-2018 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 4, 2017, and submitted to this Honorable Body by the County Executive on May 31, 2017, with no changes.

MR. LORIGO moved to approve the item. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE & MR. LORIGO. (AYES: 9; NOES: 2)

CARRIED.

Item 33 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 9E-17. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: 2016 Year-End Budget Balancing  
Amendments and Designations  
(COMM. 9E-17, 2017)

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2016 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, existing 2016 funding within the Youth Bureau, the County Clerk Auto Bureau Division, the Sheriff, Jail Management, Environment and Planning, and the Buffalo and Erie County Public Library, is established as fund reservations and designated for re-appropriation into 2017; and

WHEREAS, additional 2016 fund transfers are also requested in order to designate funding for specific projects which will be re-appropriated into 2017 to maintain a balanced budget and provide additional services.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2016 Budget in order to facilitate the completion of 2016 financial statements, based on the following schedule:

2016 Year End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

Department	Account	Increase/ (Decrease)
General Fund 110 - Expense Adjustments		
10110	County Executive	
	500000 Full Time - Salaries	(18,538)
	502000 Fringe Benefits	52,497
	<u>County Executive Total</u>	<u>33,959</u>
10210	Division of Budget & Management	
	500010 Part Time - Wages	(13,147)
	502000 Fringe Benefits	(18,923)
	530000 Other Expenses	(1,889)
	<u>Budget &amp; Management Total</u>	<u>(33,959)</u>
105	Information & Support Services	

	515000	Utility Charges	(37,360)
	545000	Rental Charges	37,360
	Information & Support Services Total		0
11110	Real Property Tax Services		
	500000	Full Time - Salaries	22,294
	500010	Part Time - Wages	(1,507)
	502000	Fringe Benefits	(15,758)
	530000	Other Expenses	(5,029)
	Real Property Tax Services Total		0
11310	County Clerk-Registrar		
	502000	Fringe Benefits	(38,216)
	561420	Office Furniture & Fixtures	38,216
	County Clerk-Registrar Total		0
120	Department of Social Services		
	500000	Full Time - Salaries	(4,219,114)
	501000	Overtime	(350,799)
	502000	Fringe Benefits	(4,187,652)
	525000	MMIS-Medicaid Loc Sh	(5,907,778)
	525020	UPL Expense	12,968,603
	525040	Family Assistance	(4,255,115)
	525050	CWS - Foster Care	(843,240)
	525060	Safety Net Assist	(5,608,918)
	525070	Emer Asst to Adults	(519,890)
	525092	Child Care-CCBG	406,221
	525140	HEAP Program Costs	225,507
	525150	DSH Expense	10,900,570
	530010	Chargebacks	197,566
	530030	Pivot Wage Subsidies	(514,030)
	DSS Total		(1,708,069)
500	ECMC		
	502000	Fringe Benefits	267,533
	ECMC Total		267,533
510	EC Home		
	502000	Fringe Benefits	64,596
	EC Home Total		64,596
11400	District Attorney		
	502000	Fringe Benefits	(284,788)

	District Attorney Total	(284,788)
11510	Sheriff Division	
	500000 Full Time - Salaries	(161,281)
	500010 Part Time - Wages	(55,307)
	500030 Seasonal Emp. Wages	77,677
	500300 Shift Differential	12,476
	500320 Uniform Allowance	(19,499)
	500330 Holiday Worked	(51,606)
	500340 Line-Up	16,020
	500350 Other Employee Pymts	53,817
	501000 Overtime	1,314,559
	502000 Fringe Benefits	(561,550)
	Sheriff Division Total	625,306
116	Jail Management	
	500000 Full Time - Salaries	(1,349,326)
	501000 Overtime	1,098,853
	502000 Fringe Benefits	(374,833)
	Jail Management Total	(625,306)
12220	DPW Building & Grounds	
	500000 Full Time - Salaries	(47,252)
	501000 Overtime	47,252
	DPW Building & Grounds Total	0
12410	MH - Program Admin.	
	516010 Cont Payts-Non Prof POS	(199,999)
	517581 Court Ordered-MH Srv	595,648
	MH - Program Admin. Total	395,649
12700	Health Division	
	500300 Shift Differential	10,794
	500350 Other Employee Pymts	54,616
	501000 Overtime	48,608
	502000 Fringe Benefits	(114,018)
	Health Division Total	0
12720	Emergency Medical Services	
	500010 Part Time - Wages	2,836
	Emergency Medical Services Total	2,836

12730	Public Health Lab		
	500000	Full Time - Salaries	(241,679)
	502000	Fringe Benefits	(166,229)
	516020	Professional Services Cont & Fees	(438,233)
	<hr/> Public Health Lab Total		<hr/> (846,141)
12740	Medical Examiner		
	500000	Full Time - Salaries	(47,930)
	500350	Other Employee Pymts	10,758
	501000	Overtime	44,357
	502000	Fringe Benefits	(7,185)
	<hr/> Medical Examiner Total		<hr/> 0
12750	Special Needs		
	502000	Fringe Benefits	39,605
	528000	Svcs Spec Need Child	(96,304)
	528010	Srvs Early Inv Prog	56,699
	<hr/> Special Needs Total		<hr/> 0
12760	Correctional Health		
	500000	Full Time - Salaries	(129,057)
	500020	Regular PT - Wages	(10,672)
	500300	Shift Differential	37,888
	500330	Holiday Worked	13,610
	500340	Line-Up	4,949
	500350	Other Employee Pymts	70,524
	501000	Overtime	64,376
	502000	Fringe Benefits	(41,356)
	505800	Medical & Hlth Supp	(11,872)
	516050	Dept Payments-ECMCC	1,610
	<hr/> Correctional Health Total		<hr/> 0
14010	County-wide Acct Budget		
	504990	Reductions Per Srv	2,000,000
	511000	Control Board Expense	65,809
	520070	Buffalo Bills Maint	(57,820)
	520072	Working Capital Asst	(27,845)
	<hr/> Cty-wide Acct Budget Total		<hr/> 1,980,144
14030	Community College		
	520020	Co Res Enrl Comm Col	128,240
	<hr/> Community College Total		<hr/> 128,240

16110	Personnel		
	500000	Full Time - Salaries	10,638
	502000	Fringe Benefits	(10,638)
	Personnel Total		0
16200	Env.&Planning Divn.		
	502000	Fringe Benefits	(40,614)
	559000	County Share-Grants	40,614
	Env.&Planning Divn. Total		0
Total General Fund 110 Expense Adjustments			0

Highway Fund 210 - Expense Adjustments

123	Highways (DPW)		
	500000	Full Time - Salaries	(448,189)
	500330	Holiday Worked	3,624
	500350	Other Employee Pymts	80,319
	501000	Overtime	364,246
	Highways (DPW) Total		0

E-911 Fund 230 -Expense Adjustments

11510	Sheriff Division		
	501000	Overtime	36,203
	502000	Fringe Benefits	10,478
	Sheriff Division Total		46,681
12720	Emergency Medical Services		
	500000	Full Time - Salaries	(11,595)
	501000	Overtime	11,595
	Emergency Medical Services Total		0
16500	Central Police Srvcs		
	500000	Full Time - Salaries	(182,102)
	501000	Overtime	135,421
	Central Police Srvcs Total		(46,681)
Total E-911 Fund 230 Expense Adjustments			0

E-911 Fund 230 - Revenue Adjustments

11510	Sheriff Division		
	486000	Interfund Revenue-Subsidy	46,681
	Sheriff Division Total		46,681

16500	Central Police Srvcs		
	486000	Interfund Revenue-Subsidy	(46,681)
	Central Police Srvcs Total		(46,681)
Total E-911 Fund 230 Revenue Adjustments			0
Net E-911 Fund Adjustments			0

Debt Service Fund 310 - Adjustments

17200	General Debt		
	Revenue		
	445180	Interest-Long Term Loan	2,938,000
	466350	Principal-Long Term Loan	5,000,710
	General Debt Revenue Total		7,938,710
	Expense		
	550000	Principal - Bonds	115,000
	550010	Principal-Long Term Loan	4,210,000
	550110	Bond Issue Costs	236,617
	550800	Interest - Bonds	(351,157)
	550810	Interest-Long Term Loan	3,728,250
	General Debt Expense Total		7,938,710
17600	Debt Srv SD 6		
	Revenue		
	486010	Residual Equity Transfer-In	125,130
	Debt Srv SD 6 Revenue Total		125,130
	Debt Srv SD 6 Expense		
	550000	Principal - Bonds	125,130
	Debt Service SD 6 Expense Total		125,130
	Fund 310 Debt Service Total		0

and be it further

RESOLVED, that authorization is provided to re-appropriate available 2016 funding established as fund reservations into 2017 for the following items:

- Youth Bureau  
 \$2,500 for West Seneca Youth Baseball
- County Clerk Auto Bureau

- \$2,076 for customer queuing system
- Sheriff
  - \$6,792 for insurance premium
- Jail Management
  - \$1,152 for clothing items
- Environment and Planning
  - \$13,416 for the Erie County Fish Advisory Board Online Hot Spot Fishing App.
- Library
  - \$276,787 for Library books, materials and equipment

and be it further

RESOLVED, that authorization is provided to transfer available 2016 funding for additional designations and establish re-appropriations into 2017 as follows:

- Social Services
  - \$1,500,000 for Disproportionate Share (“DSH”) costs
- Department of Law
  - \$1,200,000 for the Risk Retention Fund

and be it further

RESOLVED, that authorization is hereby provide to make the following 2016 budget adjustments in order to establish funding for the re-appropriations outlined in the preceding resolve:

Designations

General Fund 110 - Expense Adjustments

120	Social Services	
	525150 DSH Expense	1,500,000
	Risk Retention Total	1,500,000
16020	Risk Retention	
	555000 General Liability	1,200,000
	Risk Retention Total	1,200,000
	Total Designations Expense	2,700,000

Designations

General Fund 110 - Revenue Adjustments

120	Social Services	
	466070 Refunds P/Y Expenses	2,700,000
	Total Designations Revenue	2,700,000
	Designations Net Impact	0

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2016 and 2017 budgetary adjustments to implement the budgetary amendments and re-appropriations authorized in this resolution; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2016 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

MR. LORIGO moved to amend the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Delete the item in its entirety and replace with the following:

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2016 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, existing 2016 funding within the Youth Bureau, the County Clerk Auto Bureau Division, the Sheriff, Jail Management, Environment and Planning, Highways and the Buffalo and Erie County Public Library, is established as fund reservations and designated for re-appropriation into 2017; and

WHEREAS, additional 2016 fund transfers are also requested in order to designate funding for specific projects which will be re-appropriated into 2017 to maintain a balanced budget and provide additional services.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2016 Budget in order to facilitate the completion of 2016 financial statements, based on the following schedule:

**2016 Year End Budget Balancing Amendments**

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

<u>Department</u>	<u>Account</u>	<u>Increase/ (Decrease)</u>
<b>General Fund 110 - Expense Adjustments</b>		
10110	County Executive	
	500000 Full Time - Salaries	(18,538)
	502000 Fringe Benefits	52,497
	<u>County Executive Total</u>	<u>33,959</u>
10210	Division of Budget & Management	
	500010 Part Time - Wages	(13,147)
	502000 Fringe Benefits	(18,923)
	530000 Other Expenses	(1,889)
	<u>Budget &amp; Management Total</u>	<u>(33,959)</u>
105	Information & Support Services	
	515000 Utility Charges	(37,360)
	545000 Rental Charges	37,360
	<u>Information &amp; Support Services Total</u>	<u>0</u>
11110	Real Property Tax Services	
	500000 Full Time - Salaries	22,294
	500010 Part Time - Wages	(1,507)
	502000 Fringe Benefits	(15,758)
	530000 Other Expenses	(5,029)
	<u>Real Property Tax Services Total</u>	<u>0</u>
11310	County Clerk-Registrar	
	502000 Fringe Benefits	(38,216)
	561420 Office Furniture & Fixtures	38,216
	<u>County Clerk-Registrar Total</u>	<u>0</u>
120	Department of Social Services	
	500000 Full Time - Salaries	(4,219,114)
	501000 Overtime	(350,799)
	502000 Fringe Benefits	(4,187,652)
	525000 MMIS-Medicaid Loc Sh	(5,907,778)
	525020 UPL Expense	12,968,603
	525040 Family Assistance	(4,255,115)
	525050 CWS - Foster Care	(843,240)

	525060	Safety Net Assist	(5,608,918)
	525070	Emer Asst to Adults	(519,890)
	525092	Child Care-CCBG	406,221
	525140	HEAP Program Costs	225,507
	525150	DSH Expense	10,900,570
	530010	Chargebacks	197,566
	530030	Pivot Wage Subsidies	(514,030)
	<b>DSS Total</b>		<b>(1,708,069)</b>
500	ECMC		
	502000	Fringe Benefits	267,533
	ECMC		
	<b>Total</b>		<b>267,533</b>
510	EC Home		
	502000	Fringe Benefits	64,596
	<b>EC Home Total</b>		<b>64,596</b>
11400	District Attorney		
	502000	Fringe Benefits	(284,788)
	<b>District Attorney Total</b>		<b>(284,788)</b>
11510	Sheriff Division		
	500000	Full Time - Salaries	(161,281)
	500010	Part Time - Wages	(55,307)
	500030	Seasonal Emp. Wages	77,677
	500300	Shift Differential	12,476
	500320	Uniform Allowance	(19,499)
	500330	Holiday Worked	(51,606)
	500340	Line-Up	16,020
	500350	Other Employee Pymts	53,817
	501000	Overtime	1,314,559
	502000	Fringe Benefits	(561,550)
	<b>Sheriff Division Total</b>		<b>625,306</b>
116	Jail Management		
	500000	Full Time - Salaries	(1,349,326)
	501000	Overtime	1,098,853
	502000	Fringe Benefits	(374,833)
	<b>Jail Management Total</b>		<b>(625,306)</b>
12220	DPW Building & Grounds		
	500000	Full Time - Salaries	(47,252)
	501000	Overtime	47,252

	DPW Building & Grounds Total	0
12410	MH - Program Admin.	
	516010 Cont Payts-Non Prof POS	(199,999)
	517581 Court Ordered-MH Srv	595,648
	MH - Program Admin. Total	395,649
12700	Health Division	
	500300 Shift Differential	10,794
	500350 Other Employee Pymts	54,616
	501000 Overtime	48,608
	502000 Fringe Benefits	(114,018)
	Health Division Total	0
12720	Emergency Medical Services	
	500010 Part Time - Wages	2,836
	Emergency Medical Services Total	2,836
12730	Public Health Lab	
	500000 Full Time - Salaries	(241,679)
	502000 Fringe Benefits	(166,229)
	516020 Professional Services Cont & Fees	(438,233)
	Public Health Lab Total	(846,141)
12740	Medical Examiner	
	500000 Full Time - Salaries	(47,930)
	500350 Other Employee Pymts	10,758
	501000 Overtime	44,357
	502000 Fringe Benefits	(7,185)
	Medical Examiner Total	0
12750	Special Needs	
	502000 Fringe Benefits	39,605
	528000 Svcs Spec Need Child	(96,304)
	528010 Srvs Early Inv Prog	56,699
	Special Needs Total	0
12760	Correctional Health	
	500000 Full Time - Salaries	(129,057)
	500020 Regular PT - Wages	(10,672)
	500300 Shift Differential	37,888
	500330 Holiday Worked	13,610
	500340 Line-Up	4,949

500350	Other Employee Pymts	70,524
501000	Overtime	64,376
502000	Fringe Benefits	(41,356)
505800	Medical & Hlth Supp	(11,872)
516050	Dept Payments-ECMCC	1,610
<hr/> Correctional Health Total		0

14010	County-wide Acct Budget	
504990	Reductions Per Srv	2,000,000
511000	Control Board Expense	65,809
520070	Buffalo Bills Maint	(57,820)
520072	Working Capital Asst	(27,845)
<hr/> Cty-wide Acct Budget Total		1,980,144

14030	Community College	
520020	Co Res Enrl Comm Col	128,240
<hr/> Community College Total		128,240

16110	Personnel	
500000	Full Time - Salaries	10,638
502000	Fringe Benefits	(10,638)
<hr/> Personnel Total		0

16200	Env.&Planning Divn.	
502000	Fringe Benefits	(40,614)
559000	County Share-Grants	40,614
<hr/> Env.&Planning Divn. Total		0

<hr/> <hr/> Total General Fund 110 Expense Adjustments		0
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**Highway Fund 210 - Expense Adjustments**

123	Highways (DPW)	
500000	Full Time - Salaries	(448,189)
500330	Holiday Worked	3,624
500350	Other Employee Pymts	80,319
501000	Overtime	364,246
<hr/> Highways (DPW) Total		0

**E-911 Fund 230 -Expense Adjustments**

11510	Sheriff Division	
501000	Overtime	36,203
502000	Fringe Benefits	10,478
<hr/> Sheriff Division Total		46,681

12720	Emergency Medical Services		
	500000	Full Time - Salaries	(11,595)
	501000	Overtime	11,595
<hr/>			
	Emergency Medical Services Total		0
<hr/>			
16500	Central Police Srvcs		
	500000	Full Time - Salaries	(182,102)
	501000	Overtime	135,421
<hr/>			
	Central Police Srvcs Total		(46,681)
<hr/>			
Total E-911 Fund 230 Expense Adjustments			0
<hr/>			

**E-911 Fund 230 - Revenue Adjustments**

11510	Sheriff Division		
	486000	Inter-fund Revenue-Subsidy	46,681
<hr/>			
	Sheriff Division Total		46,681
<hr/>			
16500	Central Police Srvcs		
	486000	Inter-fund Revenue-Subsidy	(46,681)
<hr/>			
	Central Police Srvcs Total		(46,681)
<hr/>			
Total E-911 Fund 230 Revenue Adjustments			0
<hr/>			
Net E-911 Fund Adjustments			0
<hr/>			

**Debt Service Fund 310 - Adjustments**

17200	General Debt		
	Revenue		
	445180	Interest-Long Term Loan	2,938,000
	466350	Principal-Long Term Loan	5,000,710
<hr/>			
	General Debt Revenue Total		7,938,710
<hr/>			
	Expense		
	550000	Principal - Bonds	115,000
	550010	Principal-Long Term Loan	4,210,000
	550110	Bond Issue Costs	236,617
	550800	Interest - Bonds	(351,157)
	550810	Interest-Long Term Loan	3,728,250
<hr/>			
	General Debt Expense Total		7,938,710
<hr/>			
17600	Debt Srv SD 6		
	Revenue		

486010 Residual Equity Transfer-In	125,130
<u>Debt Srv SD 6 Revenue Total</u>	<u>125,130</u>
Debt Srv SD 6 Expense	
550000 Principal - Bonds	125,130
<u>Debt Service SD 6 Expense Total</u>	<u>125,130</u>
<u>Fund 310 Debt Service Total</u>	<u>0</u>

and be it further

RESOLVED, that authorization is provided to re-appropriate available 2016 funding established as fund reservations into 2017 for the following items:

- Youth Bureau  
\$2,500 for West Seneca Youth Baseball
- County Clerk Auto Bureau  
\$2,076 for customer queuing system
- Sheriff  
\$6,792 for insurance premium
- Jail Management  
\$1,152 for clothing items
- Environment and Planning  
\$13,416 for the Erie County Fish Advisory Board Online Hot Spot Fishing App.
- Highways  
\$210,267 for Highways Motor Vehicles
- Library  
\$276,787 for Library books, materials and equipment

and be it further

RESOLVED, that authorization is provided to transfer available 2016 funding for additional designations and establish re-appropriations into 2017 as follows:

- Social Services  
\$1,500,000 for Disproportionate Share (“DSH”) costs
- Department of Law  
\$1,200,000 for the Risk Retention Fund

and be it further

RESOLVED, that authorization is hereby provide to make the following 2016 budget adjustments in order to establish funding for the re-appropriations outlined in the preceding resolve:

**Designations**  
**General Fund 110 - Expense Adjustments**

120	Social Services		
	525150 DSH Expense		1,500,000
	<u>Risk Retention Total</u>		<u>1,500,000</u>
16020	Risk Retention		
	555000 General Liability		1,200,000
	<u>Risk Retention Total</u>		<u>1,200,000</u>
	<u>Total Designations Expense</u>		<u>2,700,000</u>

**Designations**

**General Fund 110 - Revenue Adjustments**

120	Social Services		
	466070 Refunds P/Y Expenses		2,700,000
	<u>Total Designations Revenue</u>		<u>2,700,000</u>
	<u>Designations Net Impact</u>		<u>0</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2016 and 2017 budgetary adjustments to implement the budgetary amendments and re-appropriations authorized in this resolution; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2016 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

MR. LORIGO moved to approve the item as amended. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 12-4 from LEGISLATOR HARDWICK. Re: Calling on the State to Allocate Portion of Grand Island Tolls to Local Towns

RESOLUTION NO. 141

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR HARDWICK**

WHEREAS, the Grand Island tollbooths collect almost \$20 million a year from residents, which the New York State Thruway Authority says goes entirely to needed bridge repairs; and

WHEREAS, for years, the tollbooths leading to and from Grand Island have caused traffic backups, which lead to longer commutes, and elevated noise levels air pollution for the surrounding communities of Grand Island, Niagara Falls, and the Town of Tonawanda; and

WHEREAS, legislation proposed by State Senator Chris Jacobs aims to give ten percent of the tolls collected on the Grand Island bridges to the surrounding communities that are affected by pollution and traffic caused by the toll booths; and

WHEREAS, the proposed legislation would require that the Thruway Authority give \$1 million to the Town of Grand Island and \$500,000 to both the City of Niagara Falls and the Town of Tonawanda; and

WHEREAS, this honorable body finds that the tolls lower the quality of life for surrounding residents by not only creating an additional tax on residents but through increased air pollution from idling cars and increased commute times for all residents using the bridge; and

WHEREAS, this honorable body further finds that an alternative solution for many of the problems associated with the tollbooths would be for the Authority to install a high-speed, cashless tolling system on the bridges.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the New York State Senate bill S6743 (2017) and the creation of a community impact fund with a portion of the monies collected at the Grand Island toll barriers for the benefit of the residents of the Town of Grand Island, the City of Niagara Falls, and the Town of Tonawanda; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the New York State Legislature and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 12-5 from LEGISLATOR RATH. Re: Opposition to Change in FAA Regulations Contributing to Flight Safety

RESOLUTION NO. 142

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR RATH**

WHEREAS, in 2009 Flight 3407 crashed into a Clarence neighborhood killing 49 passengers on board and a bystander on the ground. The crash happened because the pilot made improper mid-flight adjustments for a stalled plane in wintery conditions; and

WHEREAS, the post-crash investigation led to a determination that Colgan, the regional airline that was running Flight 3407, did not provide the appropriate training that could have prevented the crash; and

WHEREAS, the tragedy of Flight 3407 led to the implementation of increased training programs across the nation, including the requirement that all commercial airline pilots have a minimum of 1,500 flight hours prior to accepting employment at a commercial airline; and

WHEREAS, Congress imposed the additional training requirements to protect the lives and safety of American airline passengers, employees, and the people they fly above. Most experts in the field have indicated the regulations are working; and

WHEREAS, federal officials are proposing a rollback of these changes due to trouble retaining Airforce pilots. These officials claim that, due to lower restrictions against Airforce pilots taking employment with commercial airlines, more military personnel are leaving the service for private sector employment. Their proposed solution is to make it easier on non-military applicants to become a commercial airline pilot; and

WHEREAS, this honorable body finds that the complete removal of the safety and training programs imposed as a result of Flight 3407's crash would be detrimental to airline passengers everywhere.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby reminds all lawmakers of the Flight 3407 tragedy that led to the imposition of more rigorous pilot training requirements and implores them not to allow such a mistake to be made again; and, be it further

RESOLVED, that this honorably body opposes rolling back the current training practices and guidelines that have been led to increased air traffic safety; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the U.S. Congress and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 12-6 from LEGISLATOR RATH. Re: Review of Measures Taken to Combat Opioid Crisis

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-18 from the COMPTROLLER. Re: American Healthcare Act's Fiscal Impact on Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COUNTY EXECUTIVE**

Item 38 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: Belscher Rd Slide Remediation Program  
- Engineering Services for Design &  
Construction Phases - Town of Concord  
(COMM. 12E-1)

WHEREAS, a portion of Belscher Road (C.R. 419) collapsed in March of 2015 reducing that section of road to one lane travel controlled by temporary signals; and

WHEREAS, said reduction has affected the safety and mobility of the traveling public; and

WHEREAS, it is desired to initiate the Belscher Road (C.R. 419) Slide Remediation Project (the "Project") to restore full functionality to the road , and

WHEREAS, it is necessary to retain a consultant to design the necessary remedial measures; and

WHEREAS, Greenman-Pedersen, Inc. (GPI) was selected via the County's RFP process to provide engineering services for the design and construction phases of the Project; and

WHEREAS, at this time it is desired to execute a contract with GPI for the design phase of the project only in a not to exceed amount of \$160,000

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, SAP Account B.16011 (DPW Road Design Countywide) in a not to exceed amount of \$160,000 be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for design phase engineering services for the Project with Greenman-Pedersen, Inc. (GPI) in a not to exceed amount of \$160,000; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

Item 39 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

RESOLUTION NO. 144

RE: Declaration of Need for Erie County  
Fiscal Stability Authority - Refunding of  
County Bonds  
(COMM. 12E-2)

FORM OF COUNTY OF ERIE  
DECLARATION OF NEED

I, Mark Poloncarz, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The Financeable Costs hereby requested to be refinanced are set forth on **Appendix I** hereto, which **Appendix I** is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing refinancing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be refinanced by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the refinancing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to refinance, in whole or in part, the Financeable Costs set forth in **Appendix I** hereto, including the capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such refinancing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with refinancing of any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

IN WITNESS WHEREOF, I have set my hand this \_\_\_\_\_ day of June, 2017.

\_\_\_\_\_  
Mark C. Poloncarz  
County Executive  
County of Erie

I hereby certify that the form and substance of this Declaration of Need have been duly approved by the Erie County Legislature

\_\_\_\_\_  
Clerk of the Erie County Legislature

Appendix I to County of Erie Declaration  
of Need Submitted to the Erie County Fiscal  
Stability Authority on June 22, 2017

<u>Series 2005B Bonds</u>	<u>Outstanding Par Amount of Bonds to be Refinanced</u>
Various Sewer District Improvements	\$9,400,000

  

<u>Series 2006B Bonds</u>	<u>Outstanding Par Amount of Bonds to be Refinanced</u>
Various Sewer District Improvements	\$3,425,000

See original document [here](#) for full text of Appendix I.

FROM THE COMPTROLLER

Item 40 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

RESOLUTION NO. 145

RE: 2017 Refunding Bond Resolution  
(COMM. 12E-3)

REFUNDING BOND RESOLUTION DATED JUNE 22, 2017

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$13,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$13,000,000 REFUNDING BONDS OF SAID COUNTY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) June 22, 2017

(Adopted) June 22, 2017

Recitals

Whereas, the County of Erie , New York (herein called “County”), has heretofore issued on December 28, 2005 its \$12,215,000 Sewer District Bonds – Series 2005B (herein called

the “2005B Bonds”), now outstanding in the principal amount of \$9,400,000; and on December 7, 2006 its \$4,375,000 Sewer District Bonds – Series 2006B (herein called the “2006B Bonds”), now outstanding in the principal amount of \$3,425,000 (the respective outstanding amounts of the 2005B Bonds and 2006B Bonds shall be hereinafter collectively referred to as the “Outstanding Bonds”); such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

now, therefore,

**THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES** (by the favorable vote of not less than two-thirds of the voting strength of said Legislature) **AS FOLLOWS:**

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. “Bond To Be Refunded” or “Bonds To Be Refunded” means all or a portion of the Outstanding Bonds of the County.
- b. “Escrow Contract” means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.
- c. “Escrow Holder” means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. “Present Value Savings” means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.
- e. “Redemption Date” means August 17, 2017 with respect to the 2005B Bonds to be Refunded and the 2006B Bonds to be Refunded, or such later date as may be determined by the Comptroller in the final refunding financial plan.
- f. “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$13,000,000 bonds of the County of Erie , authorized pursuant to Section 2 hereof.
- g. “Refunding Bond Amount Limitation” means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii)

redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Legislature of the County (herein called "Legislature"), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$13,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$13,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount not to exceed \$13,000,000 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Hilltop Securities Inc. and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and either (a) the holding of such proceeds in cash, or (b) the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of two consolidated issues of bonds originally issued pursuant to various bond resolutions of the County, adopted on their respective dates and authorizing the financing of various County sewer district improvements. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$13,000,000 shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of the Bonds to be Refunded, commencing at the date of issuance of the Bonds to be Refunded, is as specified in the Bonds to be Refunded Certificates of Determination which are incorporated herein by reference.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A.

Section 6. (a) The Refunding Bonds shall be sold at private sale to the Erie County Fiscal Stability Authority and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State

Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; and (b) the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the final refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the Legislature relative to (i) prescribing the terms, form and contents of the Refunding Bonds, (ii) the sale and issuance of the Refunding Bonds, (iii) the making of determinations to issue Refunding Bonds and provide for substantially level or declining debt service, (iv) authorizing and executing agreements for credit enhancement of the Refunding Bonds, and (v) executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller as the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds the County shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to either hold the moneys held by it in cash or invest all or a portion of such moneys consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be either held in cash or invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United

States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such calls for redemption to be given in the name of the County by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

- Section 13. The validity of the Refunding Bonds may be contested only if:
- a. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or
  - b. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
  - c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall take effect immediately upon approval of the County Executive.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 12E-4) Appointment to the Citizens' Budget Review Commission

Received, filed and printed.

June 6, 2017  
Erie County Legislature  
92 Franklin Stree, 4th Floor  
Buffalo, New York 14202

Re: Appointment to Citizens' Budget Review Commission

Dear Honorable Members:

Pursuant to Section 2518 (c) of the Erie County Charter, I hereby appoint the following individual to the Citizens' Budget Review Commission.

Greg Inglut  
3006 Abbott Rd  
Orchard Park, NY 14127  
Term Expires: December 31, 2017

Should your Honorable Body require further information, I encourage you to contact my office at (716) 858-8500. Thank you in advance for your coursesies.

Sincerely,  
MARK C. POLONCARZ  
Mark C. Poloncarz, Esq.  
Erie County Executive

cc: Greg Inglut  
Robert W. Keating, Director of Budget and Management

FROM CHAIR MILLS

Item 42 – (COMM. 12E-5) Letter to Clerk of the Legislature Calling a Public Hearing Regarding LL Intro. 9-1 (2017)

Received, filed and printed.

June 8, 2017  
Karen M. McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 9-1 (2017) A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the adjustment of job qualifications for the Erie County Commissioner of Public Works.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 6:00 p.m. on Thursday, July 6, 2017 in the Erie County Legislature Chambers, located on the 4<sup>th</sup> floor of Old County Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,  
JOHN J. MILLS  
John J. Mills, Chair  
Erie County Legislature

FROM LEGISLATOR LORIGO

Item 43 – (COMM. 12E-6) Letter to Director of Budget & Management Regarding Request for 2017 Mid-Year Budget Information

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 12E-7) ECC - Authorization to Enter into Contract with Workday for Software Implementation

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 45 – (COMM. 12E-8) Elmwood Pedestrian & Bicycle Improvements Project - Elmwood Ave Crosswalk Relocation, Village of Kenmore - Amendment to Contract for Engineering Services & Change Order

Item 46 – (COMM. 12E-9) Rath Building - 6th Floor Employees Fitness Center Locker Rooms

Item 47 – (COMM. 12E-10) EC Correctional Facility - 2015 Parking Lot & Access Road Reconstruction - Phase II

Item 48 – (COMM. 12E-11) EC Youth Detention Facility - 2016 Interior Housing Unit Renovations

The above four items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 49 – (COMM. 12E-12) EC Sewer District No. 3 - Southtowns Advanced Wastewater Facility Sewage Sludge Incinerator - Emission Control Updates - Change Order

Item 50 – (COMM. 12E-13) NYSDOS: Regional Niagara River Lake Erie Watershed Management Plan - Phase 2 Contract Amendment

Item 51 – (COMM. 12E-14) WNY Stormwater Coalition - Newly Designated Urbanized Area Project - Staffing Changes

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Opioid Epidemic Spending Plan –  
Correctional Health & Discharge  
Planning  
(COMM. 12E-15)

WHEREAS, the Erie County Legislature has approved \$1,000,000 of Unassigned Fund Balance (Intro. 10-8 (2017)) towards additional efforts to combat the opioid epidemic via legislative resolution; and

WHEREAS, items highlighted in that resolution include correctional discharge planning and other county programs; and

WHEREAS, the Departments of Health and Mental Health and Sheriff's Office have identified additional significant departmental needs related to the opioid epidemic; and

WHEREAS, the Department of Mental Health and Sherriff's Office outlined the role, scope, and plans for correctional discharge planning for individuals with substance use disorders at the Health and Human Services committee on June 15<sup>th</sup> 2017.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Forensic Mental Health MICA Specialist (JG-12, step 1) position (B-100 #9411), and one (1) Forensic Mental Health Discharge Planner (JG-8, step 1) position (B-100 #9412) as follows:

<b>Number of Positions</b>	<b>Title</b>	<b>Job Group</b>	<b>Step</b>	<b>Annualized Salary</b>	<b>Pro-Rated Salary</b>
1	Forensic Mental Health MICA Specialist	12	1	\$50,910	\$25,455
1	Forensic Mental Health Discharge Planner	8	1	\$37,259	\$18,630

; and be it further

RESOLVED, that the Erie County Legislature hereby authorized the creation of one (1) Registered Nurse (JG-8, step 5) position (B-100#9413) as follows:

Number of Positions	Title	Job Group	Step	Annualized Salary	Pro-Rated Salary
1	Registered Nurse	8	5	\$56,720	\$28,360

; and be it further

RESOLVED, that that the 2017 Budget for the Department of Mental Health shall be adjusted as follows:

<b>Forensic Mental Health Service</b>	
<b>Fund 110 Fund Center 12420</b>	
<b>Expense</b>	<b>Increase</b>
500000 Full Time – Salaries	\$44,085
502000 Fringe Benefits	<u>27,333</u>
Total Expense	<u>\$71,418</u>

; and be it further

RESOLVED, that the 2017 Budget for the Sheriff’s Office shall be adjusted as follows:

<b>Division of Correctional Health</b>	
<b>Fund 110 Fund Center 11650</b>	
<b>Expense</b>	<b>Increase</b>
500000 Full Time – Salaries	\$28,360
502000 Fringe Benefits	<u>17,584</u>
Total Expense	<u>\$45,944</u>

; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary and personnel adjustments to effectuate this resolution for 2017 & 2018; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Mental Health, and Department of Health.

FROM THE SHERIFF

Item 54 – (COMM. 12E-17) 2017/2018 Alden & Holland School Districts School Resource Officer

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 55 – (COMM. 12D-1) Notice of Public Hearing Regarding LL Intro. 9-1 (2017)

Received, filed and printed.

**NOTICE OF PUBLIC HEARING/MEDIA ADVISORY**

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature, located at Old County Hall, 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 6<sup>th</sup> day of July, 2017, at 6:00 p.m., for the purpose of conducting a public hearing to hear comment on Local Law Intro. 9-1 (2017) A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the adjustment of job qualifications for the Erie County Commissioner of Public Works.

The proposed Local Law can be viewed on the Legislature's website:  
[http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Session\\_Folders/2017/Session\\_8/17LLIntro9-1.PDF](http://www2.erie.gov/legislature/sites/www2.erie.gov/legislature/files/uploads/Session_Folders/2017/Session_8/17LLIntro9-1.PDF)

Individuals wishing to speak may sign up at [karen.mccarthy@erie.gov](mailto:karen.mccarthy@erie.gov). Remarks and presentations from all speakers will be limited to 3 minutes.

Dated: Buffalo, New York  
June 8, 2017

By: Karen M. McCarthy  
Clerk, County Legislature

Item 56 – (COMM. 12D-2) Certificate of Appointment to Erie County Industrial Development Agency (ECIDA)

Received, filed and printed.

**CLERK'S CERTIFICATE**

I, Karen M. McCarthy, Clerk of the Erie County Legislature, Erie County, New York (the "Legislature"), HEREBY CERTIFY that the attached extract from the minutes of the meeting of the Legislature duly called and held on June 2, 1970, has been compared by me with the original

minutes of said meeting as officially recorded in the Minute Book of the Legislature, and said extract is a correct transcript referred to in said extract, and the resolution contained in said extract has been duly adopted and said resolution, as amended, is in full force and effect.

I HEREBY FURTHER CERTIFY that the attached copy of the Certificate of Establishment of the Erie County Industrial Development Agency was duly filed with the Secretary of State on August 5, 1970, and pursuant to Section 856, subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following persons have been appointed or reappointed and are currently serving as members of the Erie County Industrial Development Agency and that the attached copies of the Certificate of Appointment of said members are true copies of the originals filed with the Secretary of State on the date or dates received thereon:

Diane Benczkowski	Brenda W. McDuffie
Rev. Mark E. Blue	John J. Mudie
Bryon W. Brown	Glenn R. Nellis
James F. Doherty	Louis Panzica
Joseph H. Emminger	Mark C. Poloncarz
Dottie Gallagher-Cohen	Darius G. Pridgen
Tyra Johnson	Sister Denise Roche
Richard Lipsitz, Jr.	Paul V. Vukelic
Joseph C. Lorigo	Barry A. Weinstein
David L. Lowrey	

IN WITNESS WHEREOF, I have hereunto set my hand as aforesaid and affixed the seal of the Erie County Legislature as of June 5th, 2017.

(SEAL)

KAREN M. McCARTHY  
Karen M. McCarthy, Clerk

CERTIFICATE  
OF  
APPOINTMENT  
AS MEMBER OF  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
FOR FILING  
WITH  
SECRETARY OF STATE  
UNDER  
GENERAL MUNICIPAL LAW SECTION 856(2)

THIS is to certify that TYRA JOHNSON has been appointed as a member of ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA"), which has been duly established by Chapter 293 of the Laws of 1970. Tyra Johnson will fill the vacancy created by Chris T. Johnston.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature of the County of Erie this 23rd day of May, 2017.

THE COUNTY LEGISLATURE OF  
THE COUNTY OF ERIE

*SEAL*

By: KAREN M. McCARTHY  
Karen M. McCarthy,  
Clerk of the Legislature

Item 57 – (COMM. 12D-3) Certificate as to No Referendum Filed for Extension of the EC Sewer District No. 8

Item 58 – (COMM. 12D-4) NYS DEC Documents Received

The above two items were received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 59 – (COMM. 12D-5) SEQR Negative Declaration - 36 Center St, Lackawanna - Rental Housing Construction Project

Received and filed.

FROM THE DEPARTMENT OF LAW

Item 60 – (COMM. 12D-6) Notice of County Executive's Public Hearing Regarding LL Intro. 10-1 (2017)

Received and filed.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 61 – (COMM. 12D-7) Budget Monitoring Report for Period Ending Apr. 30, 2017

Received and referred to the FINANCE & MANGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 62 – (COMM. 12M-1) Jun. 15, 2017 Board of Trustees Agenda

Received and filed.

FROM THE NFTA

Item 63 – (COMM. 12M-2) 2016-2017 Annual Performance Report - Key Performance Indicators Ending Mar. 31, 2017

Item 64 – (COMM. 12M-3) Mar. 23 & Apr. 27, 2017 Board Minutes

The above two items were received and filed.

**FROM THE TOWN OF LANCASTER**

Item 65 – (COMM. 12M-4) Town Resolution Regarding Request to Amend Sections of the EC Tax Act

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 66 – CHAIR MILLS announced a public hearing regarding LL Intro. 9-1 (2017) A Local Law amending Local Law No. 1-1959, Constituting the Erie County Charter, as Amended, in Relation to the Adjustment of Job Qualifications for the Erie County Commissioner of Public Works is scheduled for July 6, 2017 at 6:00 p.m. in the Legislature Chambers.

Item 67 – CHAIR MILLS announced the committee schedule for July 6, 2017 will be distributed.

Item 68 – CHAIR MILLS announced the next regularly scheduled legislative session is July 13, 2017.

Item 69 – CHAIR MILLS wished Legislator Burke a happy birthday.

Item 70 – LEGISLATOR MORTON recognized Town of Lancaster Councilman Matthew Walter is in attendance, congratulated George McNerney on the occasion of his wedding in Romania, and congratulated Maria Desanto for her service to the Erie County Legislature.

Item 71 – LEGISLATOR RATH announced a reception in honor of the Citizen of the Month for the month of June immediately after session.

**MEMORIAL RESOLUTIONS**

Item 72 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Kevin Patrick “KP” Lockwood and Colin Michalek.

Item 73 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Richard E. Berg.

Item 74 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Eileen M. Streicher.

Item 75 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Joseph Martucci.

**ADJOURNMENT**

Item 76 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 13, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, July 13, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**